

JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Hiroshige OWAKI, et al.
Appln. No.: 10/644,098
Confirmation No.: 4945
Filed: August 20, 2003
For: LIQUID EJECTION HEAD AND LIQUID EJECTION APPARATUS USING THE
SAME

Docket No: Q77089

Group Art Unit: 2853

Examiner: Ly T. Tran

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This paper is responsive to the Office Action mailed on January 13, 2005, for the above-identified application.

Applicants elect Species I, (Figures 9-13) without traverse. Claims 1, 11, and 21-26 are readable on the elected species.

Applicants reserve the right to file Divisional Applications directed to non-elected Species II-IV.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Darryl Mexic
Registration No. 23,063

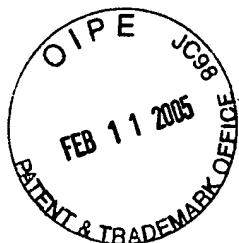
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 11, 2005



TTW

PATENT
Customer No. 22,852
Attorney Docket No. 06478.1491

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Klaus PREISSNER et al.) Group Art Unit: 1635
)
Serial No.: 10/631,896) Examiner: Amy Hudson Bowman
)
Filed: August 1, 2003)
) Confirmation No.: 9809
For: PHARMACEUTICAL)
PREPARATION WITH RNA AS)
HEMOSTASIS COFACTOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated January 14, 2005, the Examiner required
restriction under 35 U.S.C. § 121 between the following groups:

- Group I: Claims 1-3, 5-7 and 12, drawn to a pharmaceutical preparation,
classified in class 514, subclass 44.
- Group II: Claim 4, drawn to a method for promoting coagulation comprising
administering the pharmaceutical preparation, classified in class
514, subclass 44.
- Group III: Claims 8-11, drawn to a diagnostic aid, classified in class 514,
subclass 44.

Applicants provisionally elect to prosecute Group 1, claims 1-3, 5-7, and 12,
drawn to a pharmaceutical preparation, with traverse.

Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay and duplicative examination.

Applicants submit that this search can be made without undue burden because a literature search for these groups would be largely coextensive. A thorough search for pharmaceutical preparations comprising RNA or RNA analogs should also involve a search for diagnostic aids, which also comprise RNA or RNA analogs. A thorough search for the pharmaceutical preparations should also involve a search for methods that directly utilize the pharmaceutical preparations. Applicants also note that Groups I-III involve subject matter that has been given the same classification numbers (class 514, subclass 44). Accordingly, Applicants respectfully request the restriction to be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 11, 2005

By: Amy E. Purcell
Amy E. Purcell
Reg. No. 53,492